

# EXHIBIT

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jiunn-Liang KO et al.  
Application No.: 10/572,563  
Int'l App. No.: PCT/CN2004/001044  
Filing Date: March 17, 2006  
Title: FUNGAL IMMUNOMODULATORY PROTEIN (FIP)  
PREPARED BY MICROORGANISMS AND USES  
THEREOF  
Attorney Docket: 8964-000031/US

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DECLARATION

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314  
Mail Stop AMENDMENT

I, David KO, declare:

1. My company, BIOBIZLAW INC., was retained by Yeastern Biotech Corporation to coordinate the filing of the above-noted patent application in the U.S. Patent and Trademark Office on behalf of the inventors.
2. Based on the inventor information provided, U.S. patent counsel provided me with a Declaration and Power of Attorney ("Declaration") and an Assignment document

naming Jiunn-Liang KO; Yu-Lu HUANG; Tzu-Chih CHEN; Hsu-Wei HUNG; Ho-Lung JIANG; Ching-Lung HU; Cheng-Chun KUAN and Hsuan-Ju THOU as the inventors.

3. On July 26, 2006, I sent a cover letter and a copy of both the Declaration and the Assignment documents (collectively, the "formal documents") to each of the named inventors at their last known mailing address. See Attachment 1 and its English translation.

4. The cover letter provided to the inventors with the formal documents explained the requirement under 37 C.F.R. § 1.64 that each of the actual inventors must execute an Oath or Declaration in compliance with 37 C.F.R. § 1.63 in order to complete the application. See Attachment 2 and its English translation.

5. Also included with the formal documents was a reply form on which the inventor(s) could provide additional explanation in the event they were unwilling to sign the Declaration. See Attachment 3 and its English translation.

6. We received signed Declaration documents from Jiunn-Liang KO; Yu-Lu HUANG; Tzu-Chih CHEN and Hsuan-Ju THOU, respectively, but did not from Hsu-Wei HUNG; Ching-Lung HU; Ho-Lung JIANG or Cheng-Chun KUAN.

7. On Dec. 3, 2007, I sent the patent specification including claims along with the formal documents to each of the nonsigning inventors at their last known mailing address.

8. We received signed Declaration documents from Ho-Lung JIANG respectively, but did not from Hsu-Wei HUNG; Ching-Lung HU or Cheng-Chun KUAN.

9. In the absence of signed Declarations, David KO, initiated additional attempts to contact inventors Hsu-Wei HUNG; Ching-Lung HU and Cheng-Chun KUAN (hereinafter the "recalcitrant inventors") by email and telephone.

10. When contacted by David KO, recalcitrant inventor Hsu-Wei HUNG advised that he refused to sign the Declaration until such time as a dispute regarding the assignment of rights in the invention with Yeastern Biotech Corporation is resolved to his satisfaction.

11. When contacted by David KO, recalcitrant inventor Cheng-Chun KUAN specifically advised that he refused to sign the Declaration until such time as a dispute regarding the assignment of rights in the invention with Yeastern Biotech Corporation is resolved to his satisfaction.

12. When contacted by David KO, recalcitrant inventor Ching-Lung HU specifically advised that he refused to sign the Declaration until such time as a dispute regarding the assignment of rights in the invention with Yeastern Biotech Corporation is resolved to his satisfaction.

13. Accordingly, despite confirmed contact with the recalcitrant inventors, signed Declaration or Assignment documents have not yet been received from recalcitrant inventors Hsu-Wei HUNG; Ching-Lung HU or Cheng-Chun KUAN.

14. I hereby declare that all statements made herein of my own knowledge is true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: \_\_\_\_\_

*Dec 21 2007*

*David KO*

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David KO (President)